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9 Attorneys for Plaintiff

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

14 )  
 15 CENTER FOR BIOLOGICAL )  
 DIVERSITY, a non-profit corporation; )  
 16 )  
 Plaintiff, )  
 17 )  
 v. )  
 18 )  
 ENVIRONMENTAL PROTECTION )  
 AGENCY *et al.*, )  
 19 )  
 Defendants. )  
 20 \_\_\_\_\_ )  
 21 )

Case No: C-07-02794-JCS

**TENTH JOINT CASE MANAGEMENT  
 STATEMENT AND REQUEST FOR  
 CONTINUANCE; ~~PROPOSED~~ ORDER**

Date: January 9, 2008  
 Time: 1:30 p.m.  
 Courtroom A, 15<sup>th</sup> Floor

Honorable Joseph C. Spero

**TENTH JOINT CASE MANAGEMENT STATEMENT**

23 The parties to the above-entitled action submit this Tenth Joint Case Management Statement,  
 24 Request for Continuance, and Proposed Order and request the Court to adopt it as its Case  
 25 Management Order in this case.

**REQUEST FOR CMC CONTINUANCE**

27 On September 21, 2007, the Court held a case management conference in this matter. At the

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1 CMC, counsel for plaintiff and defendants stated their preference for pursuing settlement rather than  
2 moving forward with briefing on the allegations in Plaintiff's complaint that Defendants are  
3 currently in violation of Section 7 of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a)(2),  
4 regarding the impacts of certain pesticide registrations (as specifically identified in the Complaint)  
5 on eleven endangered and threatened species occurring in the San Francisco Bay Area.

6 Since the September 21, 2007 CMC, the parties have exchanged settlement proposals and  
7 discussed the potential for settlement of this case. On October 16, 2007, the parties submitted a  
8 Second Joint Case Management Statement and requested additional time for settlement discussions.  
9 On October 22, 2007, the Court continued the case management conference until November 30,  
10 2007. On November 20, 2007, the parties submitted their Third Joint Case Management Statement  
11 requesting additional time to negotiate settlement, and on November 21, 2007, the Court continued  
12 the case management conference until January 18, 2008. On January 11, 2008, the parties submitted  
13 their Fourth Joint Case Management Statement requesting additional time to negotiate settlement,  
14 and on January 14, 2008, the Court continued the case management conference until March 14,  
15 2008.

16 On March 14, 2008, a Case Management Conference was held, as well as a Motion Hearing on  
17 Proposed Intervenor Defendants' Motions to Intervene. On March 19, 2008, the Court issued an Order  
18 granting in part and denying in part the Motions to Intervene and consequently, Intervenor Defendants  
19 CropLife America, RISE-Responsible Industry for a Sound Environment, and Reckitt Benckiser are now  
20 involved in the remedy phase of this case.

22 Since March, the parties have discussed further settlement proposals and believe significant  
23 progress has been made. In May, July, and September, and November, the parties submitted their  
24 Sixth, Seventh, Eighth and Ninth Case Management Statements which the Court adopted. Since then,  
25 further discussions have been held and additional progress made.  
26  
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1           The Parties had hoped to complete their settlement discussions prior to January 9, 2009. The  
2 Parties believe they are very close to completion but will not be able to meet the January 9 date.  
3  
4 Therefore, the Parties respectfully request a continuance of the CMC currently scheduled for January  
5 9, 2009, to February 13, 2009.  
6

7 DATED: December 22, 2008

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CropLife America and  
RISE-Responsible Industry for a Sound Environment

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**CASE MANAGEMENT ORDER**

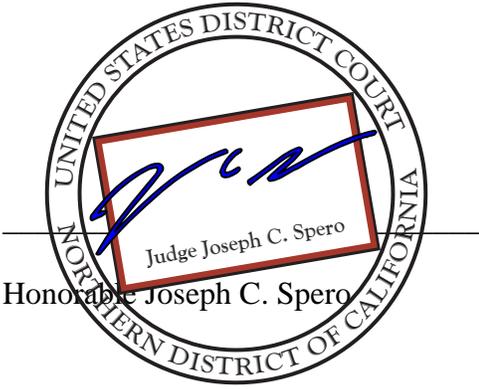
The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case.

**IT IS HEREBY ORDERED THAT:**

- 1. The case management conference scheduled for January 9, 2009 is continued to February 13, 2009 at 1:30 p.m..
- 2. An updated joint case management conference statement shall be due by February 6, 2009.

**IT IS SO ORDERED**

January 5, 2009  
Dated: ~~December~~ \_\_\_\_\_, 2008.



Honorable Joseph C. Spero